

ESSB 5288 - H COMM AMD

By Committee on Human Services

NOT ADOPTED 4/21/2009

1 On page 2, line 29, after "~~offender~~)" insert the following:

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3 "The department shall supervise every misdemeanor and gross
4 misdemeanor probationer ordered by superior court to probation under
5 the supervision of the department pursuant to RCW 9.92.060, 9.95.204,
6 or 9.95.210. The superior court shall order probation for:

7 (a) Offenders convicted of fourth degree assault, violation of a
8 domestic violence court order pursuant to RCW 10.99.040, 10.99.050,
9 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145
10 and who also have a prior conviction for one or more of the following:

- 11 (i) A violent offense;
- 12 (ii) A sex offense;
- 13 (iii) A crime against a person as provided in RCW 9.94A.411;
- 14 (iv) Fourth degree assault; or
- 15 (v) Violation of a domestic violence court order; and

- 16 (b) Offenders convicted of:
- 17 (i) Sexual misconduct with a minor second degree;
- 18 (ii) Custodial sexual misconduct second degree; or
- 19 (iii) Communication with a minor for immoral purposes.
- 20 (2)"

21
22 On page 2, beginning on line 30, after "custody" strike ":

23 (a) Whose" and insert "whose"

24
25 On page 2, beginning on line 33, after "categories" strike "; or
26 (b)(i) Who is not classified in one of the two highest risk
27 categories and:

1 (A) Has the current felony conviction for a violent offense or a
2 crime against persons as provided in RCW 9.94A.411; or
3 (B) Is required to participate in chemical dependency treatment as
4 a condition of community custody;
5 (ii) The department shall terminate supervision for an offender
6 supervised pursuant to this subsection (1)(b) six months after the
7 date of release of the offender, after conducting a new risk
8 assessment, is still not classified in one of the two highest risk
9 categories"

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11 On page 3, line 7, strike "(2)" and insert "(3)"

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13 On page 3, line 19, strike "(3)" and insert "((3)) (4)"

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15 On page 3, line 24, strike "(4)" and insert "((4)) (5)"

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EFFECT: (1) Requires the Department of Corrections (DOC) to supervise offenders convicted in Superior Court of misdemeanor or gross misdemeanor offenses of fourth degree assault or domestic violation of a no contact order and if the offender has at least one prior conviction for a violent offense, a sex offense, a crime against a person, a fourth degree assault, or a domestic violence violation of no contact order.

(2) Requires the DOC to supervise offenders convicted in Superior Court of misdemeanor or gross misdemeanor sex offenses which would require registration.

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